Benita Egan

From: EDitor@ripoffreport.com

Sent: Tuesday, May 23, 2006 5:42 PM

To: EASIJoe@aol.com

Subject: RE: Energy Automation Systems - removal of reports

You are pissing me off. in fact, we are done.

you just said below "" ." In fairness, these postings deserve to be removed. You said you don't do anything for free. I asked you how much it will cost to have you review this evidence then, if you decide I'm correct, remove these postings from your web site. This is what I need to know. ""

are you joking! I never EVER said such a thing.. you are twisting around about that I do not work for FREE ... you are a liar! We were not referring to, ... I would delete Rip-off Reports unless I was getting paid.... You are an ass.

I am not emailing with you.

if you want the rates for our program after looking at the other companies on the program, we will send that to you. I am not investing any more time with you on this. YOU ARE A LIAR and FULL OF CRAP!

If you want me to email with you, send me a check for $500 and that will get you an hour of my time. Click on the DONATE AD, and let me know you sent the money via paypal.

Because you lie and twist things around, we will not ever talk with you by phone.

also, I do not trust that you left the email below with out maybe making any changes to it before putting it below.

ED

From: EASIJoe@aol.com [mailto:EASIJoe@aol.com]
Sent: Tuesday, May 23, 2006 3:28 PM
To: EDitor@ripoffreport.com
Subject: Re: Energy Automation Systems - removal of reports

Ed:

Playing with you? I don't think so.

EXHIBIT
tabbies
B

Dockets.Justia.com

I excerpted portions of your email so you would know to which part of your email I was responding in order to avoid any confusion.

The person who made the false postings admitted to using various IP addresses.

The issue is I can provide you with conclusive, irrefutable proof that an individual made numerous false postings. This is not a case of "he said, she said." In fairness, these postings deserve to be removed. You said you don't do anything for free. I asked you how much it will cost to have you review this evidence then, if you decide I'm correct, remove these postings from your web site. This is what I need to know.

Best regards,
Joseph C. Merlo, CEO

Energy Automation Systems, Inc.
145 Anderson Lane
Hendersonville, TN 37075
615-822-7250 Fax: 615-431-4010
Reply to: easijoe@aol.com
Corporate Web Site: http://www.energyautomation.com

In a message dated 5/23/2006 4:33:54 P.M. Central Daylight Time, EDitor@ripoffreport.com writes:

> we can only offer you our assistance thru the Corporate Advocacy Program,... and there are more than 19 reports
>
> if you want us to send you more info on that, let us know.
>
> BUT, no Reports are ever removed.
>
> AGAIN, any program with us, never includes removal of a Rip-off Report. ever.
>
> we gave you sample companies to look at. If that will not work for you, not sure what else to tell you.
>
> We looked at the Reports. There are a few that have the same IP address. A few.
>
> Look at Incredible Discoveries and what we did with them.
>
> We will not work with only one or 2 Rip-off Reports. its all or nothing.
>
> You need to make a commitment for refunds, changes to your business to stop the legitimate complaints, so consumers will know you are addressing the problems. This will make any consumer want to do business with you.
>
> If you cannot understand our concept, you can ask direct questions about that. But, at this time, we think you are only playing with us. If you cannot understand what it is we do after looking at the samples we gave you, then, maybe there is a deeper problem with your business that we know about.
>
> Do not respond again with out including all the previous emails between us. you seem to selectively

include them ,, sometimes...

We will not respond unless all previous emails are included. becuase you broke them up, we sent them as an attachment. and we think there may be more of them.

AGAIN...

we can only offer you our assistance thru the Corporate Advocacy Program,... and there are more than 19 reports

if you want us to send you more info on that, let us know.

BUT, no Reports are ever removed.

AGAIN, any program with us, never includes removal of a Rip-off Report. ever.

The reports will end up working as a positive and not a negative to bring you in business. Any company on the program will tell you this...

ED

From: EASIJoe@aol.com [mailto:EASIJoe@aol.com]
Sent: Tuesday, May 23, 2006 11:03 AM
To: EDitor@ripoffreport.com
Subject: Re: Energy Automation Systems - removal of reports

Ed:

There are considerably more than three. As I mentioned, I have the man who made virtually all these false postings admitting to it on videotape during a deposition. He is trying to create the impression that there are many people upset with our company. You can see the entire thread at:

http://www.ripoffreport.com/results.asp?q1=ALL&q4=&q6=&q3=&q2=&q7=&searchtype=0&submit2=Search%21&q5=energy+automation+systems&Search=Search

In a message dated 5/23/2006 11:47:42 A.M. Central Daylight Time, EDitor@ripoffreport.com writes:

> how many Rip-off Report are there?
>
> if less than 3 send me the web address of them.. in this email
>
> ---
>
> **From:** EASIJoe@aol.com [mailto:EASIJoe@aol.com]
> **Sent:** Tuesday, May 23, 2006 9:08 AM
> **To:** EDitor@ripoffreport.com
> **Subject:** Re: Energy Automation Systems - removal of reports
>
> In a message dated 5/22/2006 6:19:03 P.M. Central Daylight Time, EDitor@ripoffreport.com writes:
>
>> if you want our assistance... we cannot assist you for free.

Then how much will it cost to have you review this guy's sworn testimony that he made up all those names and locations and to delete his postings?

Best regards,
Joseph C. Merlo
Chief Executive Officer

Energy Automation Systems, Inc.
145 Anderson Lane
Hendersonville, TN 37075
http://www.energyautomation.com
Tel: (615) 822-7250 Fax: (615) 822-7252
Reply to: easijoe@aol.com

Best regards,
Joseph C. Merlo
Chief Executive Officer

Energy Automation Systems, Inc.
145 Anderson Lane
Hendersonville, TN 37075
http://www.energyautomation.com
Tel: (615) 822-7250 Fax: (615) 822-7252
Reply to: easijoe@aol.com

From: <EDitor@ripoffreport.com>
To: <EASIJoe@aol.com>
Subject: RE: Energy Automation Systems - removal of reports
Date: Mon, 22 May 2006 16:18:20 -0700
MIME-Version: 1.0
Content-Type: multipart/alternative;
boundary="----=_NextPart_000_2E08_01C67E6D.6EED0540"
X-Mailer: Microsoft Office Outlook, Build 11.0.5510
Thread-Index: AcZ99CHZBmMXIjkdRPWkqUaP5S5BMQAAbUNg
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2800.1506
In-Reply-To: <1be.514618d.31a39d90@aol.com>

fine.

we have a service. I am ordered not to correspond any more unless you have a question about our program.

We dont have time to look or do mails any more...

sorry...

if you want our assistance... we cannot assist you for free.

From: EASIJoe@aol.com [mailto:EASIJoe@aol.com]
Sent: Monday, May 22, 2006 4:05 PM
To: EDitor@ripoffreport.com
Subject: Re: Energy Automation Systems - removal of reports

In a message dated 5/22/2006 4:56:57 P.M. Central Daylight Time, EDitor@ripoffreport.com writes:

> Rip-off Report has no way of determining whether you or the author of the report is telling the truth.

In this case, Rip-off Report DOES have a way of determining the truth. As I mentioned in my email, I have sworn, videotaped testimony (given under oath) that this person made multiple posts using multiple false names and locations. It would be a simple matter to review the videotape or read the written transcript to know who is telling the truth. I can readily provide these if you would be willing to delete these reports.

Best regards,
Joseph C. Merlo, CEO

Energy Automation Systems, Inc.
145 Anderson Lane
Hendersonville, TN 37075
615-822-7250 Fax: 615-431-4010
Reply to: easijoe@aol.com
Corporate Web Site: http://www.energyautomation.com

From: <EDitor@ripoffreport.com>
To: <EASIJoe@aol.com>
Subject: RE:Energy Automation Systems - removal of reports
Date: Mon, 22 May 2006 10:56:31 -0700
MIME-Version: 1.0
Content-Type: multipart/alternative;
boundary="----=_NextPart_000_2E0C_01C67E6D.6EF1C030"
X-Mailer: Microsoft Office Outlook, Build 11.0.5510
Thread-Index: AcZ9x+PFoatKpa83TzSk8wdVEjmDQwAAHUCA
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2800.1506
In-Reply-To: <415.289cdd6.31a35351@aol.com>

Read below... we have a service you may want to look at...

Check on Rip-off Report the search results of the following companies...

Zaken

O Premium Waters

Chandler Hill

.. We have dozens of others you can talk with about our program. They all swear by it. They will all tell you, we do more than we claim..

==============================

When the Reported business asks us, "why dont you check out these Reports before you post them" ..I ask you, where do we start and stop with evidence? ..No system is perfect. United States puts people to death, after 1 or 2 jury trials and countless appeals, to only find out later, ooops! ... they weren't guilty after all! ...

Most businesses ask. "ED, in 2006, what good does it do if a consumer sees Rip-off Reports from back in 2005" - - I tell them this is THE most important benefit you can ever get from Rip-off Report! ... Any 1/2 witted, educated consumer who is surfing the web in July of 2006 and comes across a Rip-off Report on your business, ..consider yourself lucky. ... Think about it. Remember, all businesses will get complaints, ALL..!! .. this will show the consumer that you have had no complaints for a long time, more importantly, it shows that you were man/woman enough to address your issues, make changes and committed to total customer satisfaction! ... What consumer would not want to do business with you? Even the guilty business will be forced to change their ways. Most people who respond appropriately, admit they might gave made a mistake, giving their customer the benefit of the doubt, and showing how they took care of the complaint or they will take care of the complaint if they contact them... TELL ME, what consumer would not want to do business with them. Even if the complaint is totally false, you can turn that around by explaining what you know in a nice way. ...If handled correctly, you will turn a negative into a positive.. The Internet is here to stay, and the tides have turned for the benefit of the consumer. BIG BUSINESS with lots of money is no longer in control... This will not change.

Rip-off Report is thanked all the time by businesses that fist said, "this will not work, you are full-of-it!" ... Most Businesses admitted after doing what I suggested, they now get business from the Report, new found business they would have never had if the Rip-off Report did not exist.

Below is sort of a general response to businesses that contact us with a sincere effort to rectify their problems..

We DO NOT author the Reports. Consumer your self lucky they/your customer did not make us some sucks.com website on your company, located in some 3rd world country where you could not respond to the charges like you can on Rip-off Report. I think if you handle your response in the correct way, that will say it all, and in your favor, turning that negative into a positive, taking the high road..

If responded to properly, any half intelligent consumer will know the deal. The nicer you are, the more you turn around the negative Rip-off Report. We live in the Internet age. Unless Al Gore stops the internet, we are all stuck with it. :-) Deal with it, and show what a good business or business person you are; put your best foot forward, go beyond the call of good customer service, then the Rip-off Report will work as a positive advertisement you will want ALL your customers to see. A lot cheaper than those costly full page ads in the paper and on TV. Once you see this is working as a positive for your company, maybe you will think about sending us some of those advertising dollars, as you will see, Rip-off Report WILL GET YOU NEW FOUND BUSINESS, if, that's IF, you handle the Report in a positive way. Anyone thinking of Coming after Rip-off Report (filing a lawsuit) will get them nowhere and will only, more than likely, get them even more bad publicity, as that lawsuit will be passed around because, that lawsuit just became public information and can be posted all day long everywhere by anyone.

Rip-off Report has no way of determining whether you or the author of the report is telling the truth. We encourage you to post a rebuttal explaining your change of heart, or have the owner of the business tell their side of the story, but we have a uniform policy against removing stories posted by consumers.

Why WE DO NOT Remove a Rip-off Report:

If we remove a Rip-off Report, we would be no better than the BBB. Although we can not remove reports, we do provide and UPDATE feature that allows you supply additional positive or negative information regarding your situation.

YOU MUST UNDERSTAND OUR PHILOSOPHY:

If Rip-off Report removed a Report every time a business threatened, consumers would be back to where they were before with nothing for them to see as a history on how the business took care of past problems. This Report on the business or individual can work as a positive or as a promotional tool if they respond properly and do the right thing by taking care of you, their customer. Consumers will see this and will want to do business with them in-spit-of what has been written about them ...

That is why we supply a REBUTTAL feature so that the company reported has a chance to respond by agreeing, disagreeing, or apologizing and explaining what will be done to fix the issue.

By allowing consumers to view the original report, updates, and rebuttals; consumers will be able to make informed and educated decisions. This is mainly because consumers will be able to see how the company in question deals with complaints.

Regardless, as a mater of policy, we do not remove a submitted Rip-off Repot, and we never will. We have been offered as much as $50,000 to remove just one Rip-off Report, but we declined because doing so is in violation of our policy, and more importantly, goes against what we what we stand for. Please understand our position.

Remember, all businesses will get complaints. ALL! ... you can even file a rebuttal that is pleasant, supportive of this forum and freedom of speech. Also, tell what the situation was at the time the Report was posted, even if its a long time a ago! and how you made improvements to your company to avoid this and other things from happening again, and other positive comments about your company. ...that is free. You can turn that negative into a positive! Consumers are probably finding your business on search engines that would never even know about you! If handled correctly, this can come permanent positive advertisement! ...

CHECKING FACTS before a Rip-off Report is filed?! .. that can happen... who will pay for that?

... We also offer a paid service where we can make your comments come first, and we can add something permanent and positive to the title along with a review after interviewing your company on the charges made against you, changes you made and what we now know about your company, ..maybe with a commitment of refund, satisfaction and a special e-mail address for consumers to get special help!... Like we say on our home page, ... just because a company is listed on Rip-off Report, does NOT mean you should NOT deal with that company or individual. Quite the contrary, ... now as a consumer you know what to look out for, ..as an educated consumer is your best customer. ... Remember, all companies or individuals will get complaints, ... how those businesses or individuals handle those complaints separates good business from bad businesses.

http://www.ripoffreport.com/reports/ripoff167471.htm

NOTICE: This program does not and NEVER HAS included deleting a Rip-off Report. EVER! .. That is a vicious rumor those who have been exposed on Rip-off Report, they are passing around. .. that false info.

This service also includes uncovering and revealing phony Reports made by ex-employees posing as a unsatisfied customer, and investigating any new complaints before being posted and allowing you to resolve them immediately...

If interested in our program called "Corporate Advocacy Program" .. Business Remediation & Customer Satisfaction Program ..contact EDitor@ripoffreport.com and put in the e-mail subject box: Corporate Advocacy Program RE: YOUR COMAPNY NAME

Lastly, again, I cannot emphasize enough, that attitude is everything when responding to a complaint, even if it is a bogus complaint. Disgruntled ex-employees, imposable to satisfy some customers, possible mistakes you made can all be addressed to make you look good! Depending on how YOU handle it. I know, easier said than done. Every business that belongs to our program state, this program has brought them NEW FOUND BUSINESS, by turning a negative into a positive. ..Remember, if Rip-off Report never existed, consumers would make hate websites dedicated to you, and register them to some 3rd world country where you can never get at them or respond to them. Because of Rip-off Report.com popularity, you can nip this in the bud for all to see, if handled properly.

ALL BUSINESS WILL MAKE MISTAKES. HOW THOSE BUSINESSES HANDLE THOSE MISTAKES SEPARATES GOOD BUSINESS FROM BAD BUSINESS. Showing a consumer how you took care of the problems lets them know good you are, and they will even feel more confident in dealing with you.

We're always open for suggestions and improvements to our programs, even if we don't agree with you... :-)
****below our signature, see what we tell those who threaten to sue.**

ED Magedson - Founder
EDitor@ripoffreport.com
badbusinessbureau.com
www.ripoffreport.com

We are not lawyers.
We are not a collection agency.

We are Consumer Advocates.
...the victims' advocate

WE are Civil and Human Rights Activists

We are a Nationwide Consumer Reporting News Agency
..by consumers, for consumers

DONATIONS may be sent to &
Victims & Volunteers ONLY may respond to:
PO Box 310 Tempe, Arizona 85280

FAX: 425-799-9729

You may also DONATE by Paypal, ..click on the donate ad “Help keep this site Free” at the top left of every Rip-off Report™, OR
Click on the ad at the very bottom of every Rip-off Report™.

Remember.
Don't let them get away with it!™
Make sure they make the Rip-off Report™

===

"This is in response to your request that we remove the report posted about you on the Rip-Off Report web site. We understand that it is your position that the report is not accurate. Rip-off Report has no way of determining whether you or the author of the report is telling the truth. We encourage you to post a rebuttal explaining your side of the story, but we have a uniform policy against removing stories posted by consumers.

Be advised that your threats of legal action are not supported by the law. Federal law, specifically the Communications Decency Act, 47 U.S.C.A §230, states that websites are immune from any liability for statements authored by others. Every court that has published an opinion about this statute has agreed that a website that provides a forum for others to post statements is not liable for those statements, even if they are false and defamatory. Congress enacted the Communications Decency Act to promote the free exchange of information and ideas over the Internet. Courts have recognized that Congress deliberately chose not to deter harmful online speech by means of civil liability on "companies that serve as intermediaries for other parties' potentially injurious messages." Id.

Also, the Communications Decency Act preempts state law to the extent that state law allows defamation claims against web site operators and on-line service providers for content they did not create.

Any claim that you might assert against Rip-off Report or its Internet Service Provider is barred by the Communications Decency Act. If you have a claim for defamation, you must bring it against the person who authored the report, not Rip-off Report.

From: EASIJoe@aol.com [mailto:EASIJoe@aol.com]
Sent: Monday, May 22, 2006 10:48 AM
To: EDitor@ripoffreport.com
Subject: Attn: ED Magedson

Ed:

I need your help.

Your web site, Ripoffreport.com, contains numerous negative postings on me, my company, its employees and business associates, etc. going back to April, 2003. There are also some positive rebuttals posted by Dealers and employees defending the company. For the most part, the negative postings are lies and slander.

Energy Automation Systems (also known as EASI) has many successful Dealers, but we have been in litigation with a handful of disgruntled Dealers. So far, we have had three trials during which these disgruntled Dealers made similar allegations. These Dealers were represented by very competent counsel. We have won each trial. Obviously, three juries have not agreed.

During pre-trial discovery we learned that virtually all the negative postings on Ripoffreport were made by ONE man. He used numerous false names and locations, many times responding to his own postings under different names. He even used names and locations of actual Dealers and employees. Meanwhile, all the positive rebuttals were posted by real Dealers and employees using their real names and locations. He has admitted to this in a sworn, videotaped, deposition.

These libelous and slanderous postings have cost my company a literal fortune in lost business, which we can document.

I know you don't normally remove postings, nor do you check the veracity of the claims being made, or confirm the identity of the person making the postings. However, considering that we have this man's sworn testimony, ON VIDEOTAPE, would you make an exception and delete the entire thread on my company? It doesn't get any clearer than this. It would be the right thing to do. I will be pleased to have our lawyers provide you with a copy of the transcript of that portion of his testimony, or even a copy of the video.

Best regards,
Joseph C. Merlo
Chief Executive Officer

Energy Automation Systems, Inc.
145 Anderson Lane
Hendersonville, TN 37075
http://www.energyautomation.com
Tel: (615) 822-7250 Fax: (615) 822-7252
Reply to: easijoe@aol.com

From: <EDitor@ripoffreport.com>
To: <EASIJoe@aol.com>
Subject: RE: Energy Automation Systems - removal of reports
Date: Tue, 23 May 2006 09:17:32 -0700
MIME-Version: 1.0
Content-Type: multipart/alternative;
boundary="----=_NextPart_000_2E10_01C67E6D.6EF43130"
X-Mailer: Microsoft Office Outlook, Build 11.0.5510
Thread-Index: AcZ+gx9x/FZEA0bxT06Ixbv+nqQZEgAAS8ig
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2800.1506
In-Reply-To: <469.14121a9.31a48d67@aol.com>

how many Rip-off Report are there?

if less than 3 send me the web address of them.. in this email

---

From: EASIJoe@aol.com [mailto:EASIJoe@aol.com]
Sent: Tuesday, May 23, 2006 9:08 AM
To: EDitor@ripoffreport.com
Subject: Re: Energy Automation Systems - removal of reports

In a message dated 5/22/2006 6:19:03 P.M. Central Daylight Time, EDitor@ripoffreport.com writes:

> if you want our assistance... we cannot assist you for free.

Then how much will it cost to have you review this guy's sworn testimony that he made up all those names and locations and to delete his postings?

Best regards,

Joseph C. Merlo
Chief Executive Officer

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